REMARKS

In response to the Office Action mailed on March 15, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 12, 15-16, and 19-22 have been amended, leaving Claims 1-25 for consideration upon entry of the present amendment. No new matter has been added by the amendments.

Support for Claim Amendments

The amendments are fully supported in Applicants' specification. See, for example, paragraphs 14 and 22 of the specification.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 3, 9-11, 16-18 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,397,224 to Zubeldia et al. (hereinafter "Zubeldia"). Applicants respectfully traverse the rejection because all of the elements in Claims 1, 3, 9-11, 16-18 and 20 are not found, either expressly or inherently described, in Zubeldia.

Claim 1, as amended, recites "A method for creating anonymity in collecting patient data, the method comprising: receiving a medical report for a patient including patient identification data; searching a patient record corresponding to said patient for an anonymous patient identifier wherein said patient record includes one or more of the patient identification data, said searching returns said anonymous patient identifier in response to locating said anonymous patient identifier and said searching returns a null value in response to not locating said anonymous patient identifier; creating said anonymous patient identifier corresponding to said patient and storing the anonymous patient identifier in the patient record if said searching returns said null value; adding said anonymous patient identifier to said medical report; removing said patient identification data from said medical report; and transmitting said medical report to a data repository in response to said removing." (Emphasis added.)

Zubeldia teaches a system for anonymously linking a plurality of data records. Subsets of the identifying elements on a data record are encrypted into encoded identity references 60. The encoded identity references for a patient are matched to a common anonymization code 66 in a separate anonymization code database 68. Neither the encoded identify references 60 nor the anonymization codes 66 are stored in a database or record that also includes the identifying elements. Zubeldia teaches an input database 54 with a plurality of data records of the same type being "cleansed" of any patient identifying data (identifying elements) to create an output database 84 that can be utilized for reports and studies without compromising patient confidentiality requirements. (Zubeldia; Abstract, FIG. 2 and accompanying text).

Zubeldia does not teach "storing the anonymous patient identifier in the patient record" where "said patient record includes one or more of the patient identification data" as recited in Claim 1.

Therefore, Claim 1 is not anticipated by Zubeldia for at least the reason that Zubeldia fails to disclose, either expressly or inherently, all of the elements of Claim 1.

Since they contain similar elements, Claims 16 and 20 are patentable over Zubeldia for at least the reasons given above for Claim 1. Claims 3, and 9-11 depend from Claim 1, and thus are believed to be allowable at least due to their dependency on Claim 1. Claims 17-18 depend from Claim 16, and thus are allowable at least due to their dependency on Claim 16.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2, 15, 19 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zubeldia in view of U.S. Patent No. 6,157,617 to Brandin et al. (hereinafter "Brandin"). Applicants respectfully traverse the rejection because Zubeldia in view of Brandin fails to teach or suggest all of the elements in Claims 2, 15, 19 and 21-25.

Brandin is directed to a method of network packet accounting that can account for bandwidth usage on a network without slowing down the network. (Brandin; Col. 1, lines 26-28). Network addresses and parameters associated with the packets (e.g., number of bytes in the packet) are extracted from the packets as they move through the network. These network addresses and parameters are then associated with accounts for accounting purposes. A group of

addresses may be associated with a single account. The network addresses are forwarded to a transform generator (e.g., a linear feedback shift register) to determine an icon for the network address. The icon is used to look up the account information associated with the network address. (Brandin; Col. 2, lines 21-52.) Thus, Brandin teaches network accounting for packet switched networks.

As stated above, Zubeldia fails to disclose all of the elements of Claim 1, from which Claim 2 depends. In addition, Brandin fails to teach or suggest at least the elements "storing the anonymous patient identifier in the patient record" where "said patient record includes one or more of the patient identification data" as recited in Claim 1.

Thus, Brandin does not cure the deficiencies of Zubeldia with respect to Claim 1. Accordingly, neither Zubeldia nor Brandin, alone or in combination, teach or suggest all of the elements of Claim 1. Applicants submit that Claim 2 is allowable at least due to its dependency on Claim 1.

Further, Claims 15, 20 and 22 contain elements that are similar to the elements "storing the anonymous patient identifier in the patient record" where "said patient record includes one or more of the patient identification data" as recited in Claim 1, and are therefore patentable at for the same reasons that Claim 1 is patentable. Accordingly, neither Zubeldia nor Brandin, alone or in combination, teach or suggest all of the elements of Claims 15, 20 and 22. Applicants submit that Claim 19 is allowable at lest due to its dependency on claim 16, that Claim 21 is allowable at least due to its dependency on Claim 20, and that Claims 23-25 are allowable at least due to their dependency on Claim 22.

Further with respect to Claim 2, the Examiner looks to Column 2 lines 35-46 and lines 62-64 of Brandin for teaching "said anonymous patient identifier includes a linear transformation of a media access control address component" as recited in Claim 2. Applicants submit that the reliance on Brandin is improper because Brandin is nonanalogous art. See *In Re Wood*, 599 F2d 1032, 202 USPQ 171 (CCPA 1979). More specifically, the Examiner has relied on Brandin, which is in the network accounting art, in his rejection of the present invention, which is in the business application or data mining art. A person of ordinary skill in the business application or data mining art would not look to the network account art to solve the problem treated by the

claimed invention. In addition, Brandin does not deal with the same problem solved by the claimed invention. Brandin is directed to solving a network accounting problem for packet switched networks, while the present invention is directed to anonymity in collecting patient data. In sum, Brandin is not in the field of technology of the claimed invention, nor does it deal with the same problem solved by the claimed invention. Accordingly, Brandin is nonanalogous art, and the Examiner's reliance on Brandin is, therefore, improper. For at least this reason, the rejection of Claim 2 under 35 U.S.C. §103(a) is improper, and should be reversed. In addition, the rejection of Claims 15, 19, and 21-25 should be reversed for at least the same reasons that the rejection of Claim 2 should be reversed.

Claims 4-8 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zubeldia in view of U.S. Patent No. 5,548,647 to Naik et al. (hereinafter "Naik"). Applicants respectfully traverse the rejection because Zubeldia in view of Naik fails to teach or suggest all of the elements in Claims 2, 15, 19 and 21-25.

As stated above, Zubeldia fails to disclose all of the elements of Claim 1, from which Claims 4-8 and 12-14 depend. In addition, Naik fails to teach or suggest at least the elements "storing the anonymous patient identifier in the patient record" where "said patient record includes one or more of the patient identification data", as recited in Claim 1. Therefore, Naik does not cure the deficiencies of Zubeldia with respect to Claim 1. Accordingly, neither Zubeldia nor Naik, alone or in combination, teach or suggest all of the elements of Claim 1. Applicants submit that Claims 4-8 and 12-14 are allowable at least due to their dependency on Claim 1.

Furhter, with respect to Claims 4-8 and 12-14, the Examiner looks to Naik for teaching various elements of Claims 4-18 and 12-14. Applicants submit that the reliance on Naik is improper because Naik is nonanalogous art. See *In Re Wood*, 599 F2d 1032, 202 USPQ 171 (CCPA 1979). More specifically, the Examiner has relied on Naik, which is in the speech recognition art, in his rejection of the present invention, which is in the business application or data mining art. A person of ordinary skill in the business application or data mining art would not look to the speech recognition art to solve the problem treated by the claimed invention. In addition, Naik does not deal with the same problem solved by the claimed invention. Naik is

directed to solving a verification of individual identity using speech and voice characteristics problem, while the present invention is directed to anonymity in collecting patient data. In sum, Naik is not in the field of technology of the claimed invention, nor does it deal with the same problem solved by the claimed invention. Accordingly, Naik is nonanalogous art, and the Examiner's reliance on Naik is, therefore, improper. For at least this reason, the rejection of Claims 4-8 and 12-14 under 35 U.S.C. §103(a) is improper, and should be reversed.

Conclusion

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If any issues remain, the Examiner is invited to contact the undersigned at the telephone number below.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 07-0845 maintained by Applicants' attorneys.

Respectfully submitted,

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Date: September 15, 2006